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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,534	09/04/2003	Fred A. Brown	917/A03	5575

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EXAMINER
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CLARKE, SARA SACHIE

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/655,534	Applicant(s) BROWN ET AL.	
	Examiner Sara Clarke	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-11, 14, 15 and 17-21 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 12, 13, 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Priority*

NOTE: The amendment to the specification including the specific reference to the provisional application filed September 3, 2003, as part of the request for corrected filing receipt, has not been entered because it was not a proper amendment as per the requirements 37 CFR 1.121(b).

If applicant desires priority under 35 U.S.C. 119(e) based upon the previously filed provisional application, specific reference to the earlier filed application must be made in the instant application. The specific reference in the specification (and the application data sheet) to the provisional application filed September 3, 2003, has not been amended to include the actual provisional application number.

If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of

such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A priority claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-10, 14, 15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Rowlette et al. et al. (US 5720231).

Rowlette et al. discloses the invention as claimed including an input for receiving power (see the right-hand side of Fig. 2C); an air moving device 28 energized by power received from the input; and an output (including output from capacitor CM12) for selectively delivering the power to the control circuitry (including microprocessor UM2

and relay KM1), the control circuitry being energized by the power received via the output, the output switching the power to the control circuitry on and off as a function of the rotational speed of the air moving device.

Claim 18-21 are rejected under 35 U.S.C. 102(b) as anticipated by Kam-Hoi (US 5791763).

Kam-Hoi discloses the invention as claimed including a voltage reducer A capable of converting an input AC voltage to a reduced voltage, the voltage reducer having a set of prongs (see Fig. 3) capable of plugging into an AC outlet; and an inducer unit 5 having a unit housing and an air moving device within the unit housing, the inducer unit being removably coupleable with the voltage reducer via jack j1, the inducer unit being energized by the reduced voltage (see column 3, lines 56-60 and column 4, lines 45-54). With respect to the limitation of "two prongs," as shown in Fig. 6, jack j1 connects to ground. The adapter A necessarily includes two prongs, in order to complete the circuit loop.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doss (US 5199385) in view of Shellenberger et al. (US 5950573).

Doss discloses the invention substantially as claimed including a draft inducer having a housing 100. Doss does not disclose a voltage reducer.

Shellenberger et al. also discloses a draft inducer and teaches the use of a voltage reducer (transformer 58) to power the lower voltage inducer and circuitry. See column 5, lines 55-column 6, line 3 and Fig. 5.

Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide the draft inducer of Doss with the step-down transformer taught by Shellenberger et al. for the purpose of powering a lower voltage inducer and circuitry.

Regarding claim 3, it is noted that the material used for housing 100 of doss is flexible at least to some degree. Applicant has not disclosed any degree of flexibility in his specification.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doss (US 5199385) and Shellenberger et al. (US 5950573) as applied to claim 1 above, and further in view of Erdman et al. (US 5075608).

Doss and Shellenberger et al. disclose the invention substantially as claimed with the exception of a DC motor.

Erdman discloses a draft inducer and teaches the use of a DC motor because it is easy to change the operational speed of such a motor. See column 1.

Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide the draft inducer of Doss and Shellenberger et al. for the purpose of making it easy to change operational speed.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowlette et al. (US 5720231) in view of Staats (US 4867106).

Rowlette et al. discloses the invention substantially as claimed with the exception of the draft inducer mixing air with the exhaust gas.

Staats discloses a draft inducer 34 that mixes air with the exhaust gas to cool the exhaust gas by sucking surrounding room air through diverter 29. See column 5.

Thus, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide the draft inducer of Rowlette et al. with the structure for mixing air with the exhaust gas as taught by Staats for the purpose of cooling the exhaust gas.

#### ***Allowable Subject Matter***

Claims 5, 6, 12, 13, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stewart (US 6398512) and Jones et al. (US 5222888) disclose various exhaust arrangements. Lee (US 5589760) discloses a step-down adapter used with a hair dryer.

#### ***Contact Information***

Any inquiry concerning this or earlier communications from the examiner should be directed to Sara Clarke whose phone number is 703-308-1388. The examiner normally can be reached Mon-Fri, 8:30-1:00.

If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached at 703-308-1935. The fax number for the organization where this application is assigned is 703-872-9306.

Status information for an application is available from the Patent Application Information Retrieval (PAIR) system. Status information for published applications is available from Private or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR, see <http://pair-direct.uspto.gov>. For questions on access to Private PAIR, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sara Clarke   
Primary Examiner  
Art Unit 3749

August 26, 2004